

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHAWN SOUTHERLAND,

Plaintiff,

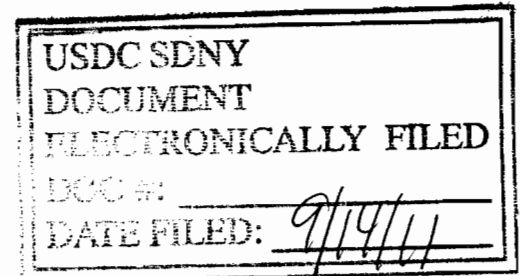
v.

DAVID A. PATTERSON,
in his official capacity
and individually; et al.

Defendant.
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BARBARA S. JONES

UNITED STATES DISTRICT JUDGE



10 Cv. 09155
(BSJ) (RLE)

Memorandum and Order

Pro se Plaintiff Shawn Southerland submitted two documents in March of this year, both of which are styled as a Motion for Summary Judgment. The documents are reflected on the ECF docket as document numbers 8 and 16.

Document number 8, submitted on March 4, 2011, states that it is a motion for summary judgment as to Defendant Carol D. Swain ("Defendant Swain") and an Opposition to any motions for summary judgment or motions to dismiss filed by Defendants. Since discovery has not yet commenced on the case, the Court dismisses the motion for summary judgment against Defendant Swain as premature. At the time that Plaintiff filed document number 8, none of Defendants had yet to file a motion to dismiss

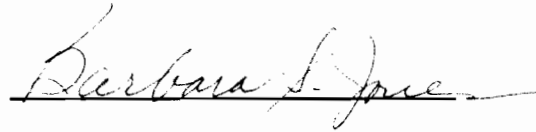
or a motion for summary judgment. Subsequent to Plaintiff's filing, a number of the Defendants filed motions to dismiss and/or motions for summary judgment. In light of the Plaintiff's *pro se* status, to the extent that document number 8 can also be construed as an Opposition to these later motions, this Court will reconsider this document as an Opposition when it turns to Defendants' pending motions.

Document number 16, submitted on March 28, 2011, although styled as a motion for summary judgment, is a motion in opposition to the February 18, 2011 letter requesting that Defendant Swain be granted until April 31, 2011 to answer, move or otherwise respond to the amended complaint. Magistrate Judge Ellis endorsed the letter that Plaintiff's motion opposes and granted Defendant Swain an extension to the deadline to respond to March 5, 2011. Defendant Swain responded to the Complaint on March 25, 2011. Accordingly, document 16, the Motion in Opposition to Defendant's Letter Request/Motion for Summary Judgment is denied as moot.

CONCLUSION

Plaintiff's motions for summary judgment are respectively dismissed as premature (document number 8) and denied as moot (document number 16). The Clerk of the Court is directed to terminate document number 8 and 16.

SO ORDERED:

A handwritten signature in cursive script, reading "Barbara S. Jones", written in dark ink. The signature is positioned above a solid horizontal line.

BARBARA S. JONES
UNITED STATES DISTRICT JUDGE

Dated: New York, New York
September 14, 2011